

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
DOCKET NO. 5:17-cv-00113-MOC  
[BR Case No. 17-50060]

MICHAEL JAMES GARVEY, )  
 )  
Appellant, )  
 )  
Vs. ) ORDER  
 )  
STEVEN G. TATE, *et al.*, )  
 )  
Appellees. )

**THIS MATTER** is before the court on review of the Memorandum submitted by the Clerk of the Bankruptcy Court to the Clerk of this Court indicating that appellant has failed to pay the required filing fee of \$298.00. On June 30, 2017, when this appeal was filed, the Clerk of the Bankruptcy Court issued to appellant a Notice of Defective Filing on June 30, 2017. When no action was taken by appellant in response to such Notice, the Clerk then issued the instant Memorandum on July 12, 2017, informing this court of the deficiency.

Review of the court's docket reveals that appellant has taken no action to pay the required fee or seek leave to have the court waive the fee by making an application *in forma pauperis*. 28 U.S.C. § 1930(f)(1). The Judicial Conference of the United States has deemed it appropriate to impose a filing fee on those seeking review of Bankruptcy Court decisions. Specifically, 28 U.S.C. § 1930(b) provides that the “Judicial Conference of the United States may prescribe additional fees in cases under title 11 of the same kind as the Judicial Conference prescribes under section 1914(b) of this title.” Section 1914(b) provides that the “[bankruptcy] clerk shall collect from the parties such additional fees only as are prescribed by the Judicial Conference of the United States.”

The Judicial Conference, in turn, has provided for the collection of a filing fee “[f]or filing an appeal or cross appeal from a judgment, order, or decree, [of] \$293. This fee is collected in addition to the statutory fee of \$5 that is collected under 28 U.S.C. § 1930(c) when a notice of appeal is filed.” Bankruptcy Court Miscellaneous Fee Schedule (Dec. 1, 2016).<sup>1</sup>

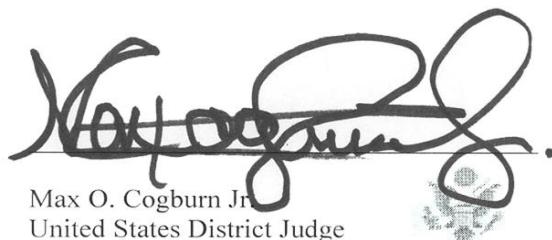
Finally, the court has considered whether further notice is likely to gain compliance. Appellant was provided notice of deficiency on June 30, 2017, and again provided notice when a copy of the Memorandum was mailed to appellant on July 12, 2017. Appellant has in no manner sought to cure the deficiency or in any manner communicate with the Court.

## ORDER

**IT IS, THEREFORE, ORDERED** that this appeal is **DISMISSED**.

The Clerk of this Court is instructed to send a copy of this Order to the Clerk of the Bankruptcy Court.

Signed: September 5, 2017



Max O. Cogburn Jr.  
United States District Judge

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1 <http://www.uscourts.gov/services-forms/fees/bankruptcy-court-miscellaneous-fee-schedule>.